

Town of Fayette
Planning Board – Minutes August 24, 2015
1439 Yellow Tavern Road
Waterloo, NY 13165
315-585-6282

The Town of Fayette's Planning Board August 24, 2015 meeting was called to order at 7:01 PM by Chairman Keith Tidball with the following roll call of planning board members present:

- ✓ Ronald Schubert – Present
- ✓ Mark Lott – Absent
- ✓ Nelson Wise – Absent
- ✓ Teresa Bryan – Present
- ✓ Keith Tidball – Present
- ✓ Dave Fitzgerald – Present
- ✓ Jeff Rosenkrans – Absent
- ✓ Joseph Midiri , attorney – Present
- ✓ Robert Steele , codes enforcement - Present

Others present were: Katie Nelson – TB Liaison/acting secretary, Ryan Wallace - QwikSolar, Larry & Cheryl Wolkonowski, William Sigrist, David & Teresa Grifa, William and Sandra Caster, John Pulver, Kristine Minguez, Victor Montaglione, David Locke, Garey Adamson

Chairperson Tidball opened the meeting with the pledge of Allegiance and the reading of the first public hearing as advertised in the Sunday, August 16, 2015 Finger Lakes Times.

The public hearing for William Sigrist 3589 Yost Road, Waterloo, NY 13165, Town of Fayette (Tax Map 11-1-18.2) for a Special Use Permit and Site Plan Review to enclose a pavilion style addition on their barn and operate a small home business selling antiques and Christmas items. The Seneca County Planning Board recommends that the request be approved conditional upon determination, by the county highway superintendent, if the drive onto County Road 121 can be used for access to the commercial use of the property. The Sigrist's previously had a small business located there for several years in the same location and would not be altering the footprint of the current pavilion section of the barn. The drainage will be handled by the drain tile and gutters to the vegetable garden. The entrance can be from Yost Road or Yellow Tavern (aka County Rd 121) The Sigrist's themselves will be parking in the barn or yard area. They no longer have the swimming pool. Mr. Sigrist will work with codes and highway on sign placement.

A motion to close the hearing was made by Ron Schubert, 2nd Dave Fitzgerald; all in favor, hearing closed.

The public hearing for Lawrence S. & Cheryl C. Wolkonowski 51 Main Street, Phelps, NY 14532, Town of Fayette, (Tax Map 21-1-40) regarding 2 site plans reviews for 4312 Teall Beach Road North, Geneva, NY 14456. Site Plan A is to renovate/convert a section of the house to living space and Site Plan B is to build a detached garage/workshop/storage building. Plan A is to enclose an existing 10'x5' porch area (road side of house and remodel existing 1 car garage space to create a living space/sewing room. This will also allow for an enclosed access to get to the basement for doing laundry. The roof will be replaced along with the gutters. Any extra runoff will be directed to the gardens and a rain barrel. Plan B is to build a pole barn style garage, 27'x30' with adjoining 15'x24' home workshop with upstairs storage loft. No plans for living quarters, opening a business, insulating or putting plumbing in. The elevation of the bank is 25 feet was recommended by Erin at Seneca County Soil & Water to go with a swale which is not

the best, French drains and will have to armour is (will require permits) - no additional water will be going to the septic system. The area will be raised 4 feet allowing for a flat/level pad, and will have gutters. There is no issue with the neighbors and will not be blocking any views of the lake. The roof will have a total of 32 PV Panels (8 of which will be on the workshop section). The solar array will be installed by Qwik Solar; The Roof will slope in the opposite direction compared to the house for this reason. Trusses will be every 2 feet instead of the standard 3 to bear the extra weight. Weight from snow shouldn't be a problem due to the 8-12 pitch. The electric poles have been repositioned by NYSEG which services the Wolkonowski's and John Tarr. Drainage will be slowed down going towards the lake by a rain garden. It was also suggested they could go with a sump system. They would like to start this project as soon as it goes through county codes. Motion to close the hearing by Ron Schubert, second by Teresa Bryan, all in favor, carried.

A motion to reopen the hearing for William Sigrist was made by Dave Fitzgerald, seconded by Ron Schubert as a site plan review instead of a preliminary hearing, all in favor, motion carried. As there were no further questions at this time a motion to close the hearing for site plan was made by Dave Fitzgerald, seconded by Teresa Bryan, all in favor, carried.

The public hearing for John Pulver 1436 West River Road, Waterloo, NY 13165, Town of Fayette (Tax Map 2-1-54.2) for a Site Plan Review to build an addition to the garage. Mr. Pulver would like to build an addition onto his garage for an office /waiting room. At this time several questions have been asked – a fence was put up and cars have been stored behind it, what is the number of cars being sold, and the number to be repaired.

Neighbors David and Teresa Grifa who have recently bought and moved in the place to the east of him had the following concerns: noise from moving soil at 6AM, repairs are not on the concrete often on the gravel – concern about oils and fluids that are leaking, The Grifa's are also on the village side where noise ordinance is 7:30AM to 8PM.

William and Sandra Caster who live across the road are worried than an addition combined with the fence he put up has created criteria of a junkyard although in the past week he has cleaned up the property; but where have all the extra vehicles gone? , there has been an increase in noise, hard to tell which vehicles are for sale and which are for repair, is their body work taking place their as they have several with grey primed bodies, have heard from some neighbors that Mr. Pullover wants to put a hoist in, and a wash station which brings up concern about more water and pollutants in the environment. What is the purpose of the site work being done on the East side of the garage, the additional shed (32'x42') a large pond close to the property line on the west, less than 200 feet from the road and no fencing or landscaping around it. What has he been doing for disposal of used oil, speedy-dry, recycling of used parts. A google map of the property and a petition of support opposing the addition with 38 signatures from various neighbors were submitted.

Mr. Pulver stated that the property hasn't been enlarged for the business he was just leveling it off referring to the east side of the garage and front of the parking area. And the addition for an office would be better for the safety of those patrons not to trip or bump into anything.

Codes Officer Steele mentioned that he will be in court Oct 21 in regards to the illegal; building of shed and # of vehicles.

A motion to close the hearing by Ron Schubert, second by Dave Fitzgerald, all in favor, motion carried.

Regular meeting was called to order by Chairman Keith Tidball with a Roll Call of members as follows:

- ✓ Ronald Schubert – Present
- ✓ Mark Lott – Absent
- ✓ Nelson Wise – Absent

- ✓ Teresa Bryan – Present
- ✓ Keith Tidball – Present
- ✓ Dave Fitzgerald – Present
- ✓ Jeff Rosenkrans – Absent
- ✓ Joseph Midiri , attorney – Present
- ✓ Robert Steele , codes enforcement - Present

Due to the printing of the June meeting minutes instead of July's they will be sent out to all members to view before the September meeting where they will get approved then.

There was no additional public comment

New Business:

William Sigrist (Tax Map 11-1-18.2) for a special use permit /site plan review to open a small home business selling antiques and Christmas items. A motion to approve contingent upon the 3 following items 1. Appropriate drainage to the garden, 2 Sufficient documentation from the county highway superintendent Roy Gates regarding parking and entering / leaving the shop, and 3. County building code regarding restroom facilities by Keith Tidball, Second by Ron Schubert all in favor, motion carried.

Lawrence and Cheryl Wolkonowski (Tax Map 25-1-40) regarding to 2 site plan reviews. Plan A to renovate/convert a section of the house to living space and Plan B to build a detached garage/workshop/storage building with solar panels on roof. A motion to approve the Site Plan A for the renovation /conversion of the house as there are not adverse impacts made by Teresa Bryan, second by Dave Fitzgerald, all in favor, motion carried. A motion to approve Site Plan B to build a garage/workshop/storage building with solar on the roof contingent upon the rain garden, appropriate mitigation of the water run off the roof and additional retention and detention of the bank area made by Ron Schubert, second by Dave Fitzgerald, all in favor, motion carried.

John Pulver (Tax Map 2-1-54.2) to build an addition to the garage. Attorney Midiri suggested that no action be taken at this time due to concerns about, allegations and violations. Codes needs to submit a detailed report and if any violations are found then a he suggest that a time frame set to correct/amend due to liabilities he is subjecting the town to. He is strongly suggests that the town be informed of where and how he is disposing of oil, antifreeze and other fluids. The DEC is the regulating agency for this and Codes Officer Bob Steele will contact them in regards to this. Attorney Midiri also stated that even if he becomes compliant would the Planning Board even want to entertain his application due to the petition signed by 40 neighbors in opposition to his application to expand the business's building. Chairman Tidball stated several things need to happen first: 1. A complete investigation of the allegations needs to be investigated (number of cars, expansion of site, failure to comply with special use permit), 2. A detailed report needs to be submitted, 3 resolution of his TOF court appearance regarding the amount of cars, concerns on safety with Dig Safe(811), waste dispersal, regarding the building of a shed without a permit. This was agreed upon by consensus of the planning board members. At this time his building permit application is rejected and the fee is to be refunded.

Zoning Officers Report – Bob Steele

Mr. Steele reported that 9 building permits were approved for the following:

Charles, Waugh – West River Road - Fence
 Thomas Kime – Pastime Park – Boat House

Erza Oyer – State Route 89 – Storage Shed
Cindy Lorenzetti – High Banks – Fence
Donald Gee – Canoga Road – New House
David McMillan – East Lake Road – Convert Pole Barn to Residence
Gerald Champlin – Cosad Road – Fence
Earl Martin – Hoster Road - Rebuild Barn – Agricultural Use
Wayne Nicholson – Route 414 – Storage Shed

Denied Permits none except Barry and Maria Scott which will be going to the ZBA for a variance on Canoga Island.

- A stop work order on Salvatore Gugielmino boat house was lifted and the ZBA granted their variance.
- The complaint of the campers on the Route 89 Hamlet of Canoga – owned by Gary and Barb Yeo. An appearance ticket was issued for August 19th. They are getting an attorney and will be in court September 2.
- The complaint regarding John's Auto located on West River Road – owned by John Pulver. An appearance ticket for building without a permit and to appear in court October 21 at 6:30PM. Been working with county codes and the engineer regarding this.
- Had had discussion regarding a potential brewery on Canoga Shores.
- 3 Brothers on Lerch Road will be building an addition to War Horse the Brewery
- 2 hair salons to be added to the town

Town Board Report – Katie Nelson

The Town Board met August 20. It was a full house with the public airing their concerns. Approved JoAnne Moll of Rocklan Ave to the ZBA. Jim Cleere is currently out gathering preliminary data to start getting ready for a 2016 reevaluation. The town held their annual spring clean-up this past Saturday and the entrance to the office building will be changed this summer due to its quirk of not staying unlocked. Held our third budget workshop on this past Saturday, we are making great progress on this annual task.

The County Planning Board Report –

No report – other than the copy of July meeting in binders

Regional Issues –

None at this time

Old Business

David Locke (Tax Map 25-1-59) – Special Use Permit. In discussion of said property location the Wastewater system is adequate for the property as is the amount of parking. The Town of Fayette Land Use Regulations Section 812 (p80) meets all requirements of A-H with the exception of E. “No bed and breakfast inn shall be permitted where access is provided by a shared driveway.” Per definition on p. 17 “Driveway: a private roadway providing means of access from a public roadway to a property or off-street parking area. An access way may also be deemed a driveway.” The classification of Road aka highway or byway – “D. Private: Roads or streets whose primary function is to serve private needs on private property. Private roads may serve more than one property”. The private road is maintained by the property owners on Teall Beach (currently \$200 per resident – not all participate; fees are use for gravel in maintenance and plowing. A motion to deny at this time for a Special Use Permit due to the Sec 812 E (p 80) and the definitions of Private Road and Driveway in the in the Town of Fayette Land Use Regulations. Mr. Locke was before the ZBA on August 17, 2015 where due to the wording of the

above definitions was declined. Attorney Midiri will research in regards to a stay of 90 days. Mr. Locke is more than welcome to come back before the Planning Board as the Zoning Regulations for the Town of Fayette are being updated to be presented to the Town of Fayette Town Board.

Public Comment:

It was suggested to Codes Officer that he check out the garage on Parker Road that the Wards are having built as it has been rumored that the second floor is being made living quarters with air conditioning.

The Board discussed and handed in their research assignments in regards to changes to the Land Use Regulations to Chairman Keith Tidball. Parameters will be looked into for rental properties. A motion to adjourn was made by Ron Schubert, second by Dave Fitzgerald all in favor at 9:10PM.

Next meeting is September 28, 2015 at 7PM

Respectfully Submitted

Katherine "Katie" Nelson
Town of Fayette Councilwoman / Planning Board Liaison